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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,876	01/17/2002	Hans-Hermann Wippersteg	3957/59156-103	7926
7590 02/20/2009 HUSCH & EPPENBERGER, LLC Suite 1400 401 Main Street Peoria, IL 61602			EXAMINER	
			FISHER, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3689	
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			02/20/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/051,876	<b>Applicant(s)</b> WIPPERSTEG, HANS-HERMANN
	<b>Examiner</b> MICHAEL J. FISHER	<b>Art Unit</b> 3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 September 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 53-74 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 53-74 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/0256/06)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

### DETAILED ACTION

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 53-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 5,442,553 to Parillo (Parillo) in view of US PAT 5,999,908 to Abelow .

As to claim 53, Parillo discloses a system for repair management of vehicles (title), a network with interfaces for communication (fig 1), processors with memories (computers, abstract lines 1-5), recording in memories individual data uniquely associated with each machine (col 5, lines 14-16), a first data set comprising a plurality of base repair plans (abstract, lines 4-6), recording in memory a data set comprising changed in the machines (col 4, lines 57-64) and a repair plan is generated based on this information (col 5, lines 14-19).

Parillo does not, however, teach storing pre-service life design changes. Parillo, as discussed, does teach using the system for agricultural machinery or storing pre-service-life design changes.

Parillo does teach the system as storing maintenance changes to the machine (timing, as discussed above), however, Parillo does not specifically teach hardware changes to the machines.

Abelow teaches an electronic repair manual that is updated to reflect changes to the machines (col 31, lines 35-39) to be serviced. Further, Abelow teaches this to be done remotely from the machines (col 2, lines 13-20).

It would have been obvious to one of ordinary skill in the art to modify the system as taught by Parillo with the updated service manuals as taught by Abelow as both teach systems and methods for repair of equipment and updating the information in order to keep the electronic manual up to date on the modifications of the machines to be serviced.

As to claim 54, the data set includes modification history of the machine (col 4, lines 57-60 of Parillo and further in col 31, lines 35-39 in Abelow).

As to claim 55, the display shows an approval field for response by the user (col 5, lines 40-42, the response would be the customer bringing the vehicle in for repairs).

As to claim 56, the system receives feedback data (col 1, lines 54-56).

As to claim 57, the feedback consists of maintenance status (col 4, lines 40-50).

As to claim 58, there is a variance database (col 5, lines 44-46).

As to claim 59, Parillo does not specifically mention part performance evaluations. However, Parillo does teach using the information to correct deficiencies (col 5, lines 44-45), therefore, it would have been obvious to one of ordinary skill in the art to modify the system as taught by Parillo by saving part performance evaluations as these would aid in correcting deficiencies in deficient parts.

As to claim 60, the remote computer is located in the vehicle (fig 2).

As to claim 61, Parillo does not specifically mention recording model or year, however, it would have been obvious to one of ordinary skill in the art to record model and year as Parillo discloses using the information to make subsequent model years less likely to break down (col 5, lines 44-46).

As to claim 62, the data consists of the machine's service history (col 4, lines 57-60).

As to claim 63, the system transmits diagnostic data (title).

As to claim 64, the data includes a list of parts (inherent in that repair information is sent to minimize repair time, col 5, lines 40-44).

As to claim 65, it is inherent that needed resources are provided else the repairs could not be performed.

As to claim 66, Parillo does not teach a verification element to ensure the repairs are performed. It would have been obvious to one of ordinary skill in the art to include a verification unit to ensure the work that's supposed to be done is done.

As to claim 67, Parillo does not specifically teach "producing documentation", however, it would have been obvious to one of ordinary skill in the art to have the unit

produce documentation and send it to the central computer to ensure the work that's supposed to be done is done.

As to claim 68, the central computer produces an account for repair of the machine with the aid of the repair plan (claim 9).

As to claim 69, Parillo does not teach a remote, repair vehicle. It would have been obvious to one of ordinary skill in the art to use a remote repair vehicle in case the vehicle is in an area where the network isn't active or if the machine's hardware needs to be repaired instead of just software. .

As to claim 70, Parillo teaches a diagnostic system in each vehicle (22, fig 2) that sends data to the central computer (31).

As to claim 71, parts replaced according to the plan would have "reached the end of their useful service life".

As to claim 72,74, upgrade data is able to be updated (col 4, lines 57-60).

As to claim 73, Parillo teaches a repair plan. It is old and well known in the art for repair plans to list which parts have to be removed in order to get to the defective part (for instance, in replacing a heating core the instructions generally include telling how to get to the heater core by removing the console or dash board), therefore, it would have been obvious to one of ordinary skill in the art to include instructions for how to repair the vehicle (dismount parts in order to reach the defective part) as this would give the repairer a repair plan that tells how to repair the vehicle.

***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. FISHER whose telephone number is (571)272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Fisher/  
Patent Examiner, Art Unit 3689  
MF  
2/15/08